

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:24-cv-00090-KDB**

PHYSIQUE DALTON,)
)
 Petitioner,)
)
 vs.)
)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on initial review of Petitioner’s Pro Se Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. [Doc. 1].

Pro Se Petitioner Physique Dalton (“Petitioner”) has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 asking that his jail credit computation be corrected. [Doc. 1]. Federal district courts are directed to make a prompt initial review of habeas proceedings. Rule 4, Rules Governing Section 2254 Cases in the United States District Courts.¹ “If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition[.]” Rule 4.

Here, Petitioner seeks full credit for jail time. He contends that the Bureau of Prisons has not correctly computed his federal sentence by crediting against it the time he spent in jail before he was transferred to his current place of confinement. However, a petition for a writ of habeas corpus pursuant to § 2241 challenging present physical confinement must be filed in the district of confinement. Rumsfeld v. Padilla, 542 U.S. 426, 124 S.Ct. 2711 (2004); United States v. Poole,

¹ The Rules pertaining to § 2254 proceedings are also applicable to cases brought under § 2241. Rule 1(b), Rules Governing Section 2254 Cases in the United States District Courts.

531 F.3d 263 (4th Cir.2008); United States v. Johnson, 317 Fed. App'x 336, 337 n. 2 (4th Cir. 2009), citing United States v. Miller, 871 F.2d 488, 490 n. 3 (4th Cir.1989) (“A claim for credit against a sentence attacks the computation and execution of the sentence rather than the sentence itself. Judicial review must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court.”).

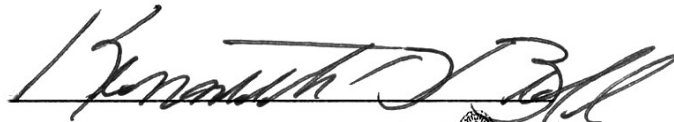
Petitioner is currently incarcerated at the federal correctional facility in Edgefield, South Carolina. Petitioner therefore must file a motion seeking relief pursuant to § 2241 in the United States District Court for the District of South Carolina. The Court, therefore, will dismiss Petitioner’s petition without prejudice to Petitioner seeking relief in his district of confinement.

IT IS THEREFORE ORDERED that Petitioner’s Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. 1] is hereby **DISMISSED** without prejudice.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: April 3, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

